

When Buying or Selling a Pre-1978 Home, Lead-Based Paint Is a Big Deal

You might think that nearly 40 years after lead-based paint was outlawed that it would no longer be an issue, but you'd be wrong.

Over the past decade I have witnessed an increased rather than decreased attention to this issue. Just read Section 10.10 of the current state-mandated Contract to Buy and Sell Real Estate (**emphasis added**):

"Unless exempt, if the improvements on the Property include one or more residential dwellings for which a building permit was issued prior to January 1, 1978, this Contract is void unless (1) a completed Lead-Based Paint Disclosure (Sales) form is signed by Seller, the required real estate licensees and Buyer, and (2) Seller receives the completed and fully executed form prior to the time when this Contract is signed by all parties."

REAL ESTATE TODAY



By **JIM SMITH**, Realtor®

It's not uncommon for this requirement to be fudged by the parties and their agents, but doing so can create serious problems.

In order for this rule to be followed, it is critical that the listing agent make available to prospective buyers a lead-based paint disclosure, signed by the seller, prior to them submitting their offer. This can be done by making it a "supplement" to the MLS listing. The buyer's agent must then have their buyer sign that form — and sign it themselves — and submit it with their offer.

Notice that the deadline for all parties signing is not upon submission of the contract, but upon the contract being accepted (signed) by the seller. Therefore, the listing agent should take care to see that all parties have signed the Lead-Based Paint Disclosure **before** allowing the seller to go under contract with a buyer.

Not only can the violation of this rule subject the buyer, seller and both agents to a fine of \$16,000, it also creates an opportunity for a seller to get out of a

buyer's contract, which is otherwise very difficult for sellers to do.

Imagine, for example, a scenario in which a seller who is already under contract to sell his home receives a much better back-up offer. If it can be shown that the current contract was fully executed before the Lead-Based Paint Disclosure was signed by both parties **and** their agents, it is conceivable that the listing agent could cite Sec. 10.10 of the contract and declare the contract void for that reason alone, allowing the seller to accept the better offer.

The buyer would have no recourse, because, for starters, he would be admitting that the disclosure had not been signed on time, resulting in that \$16,000 fine.

This Talk About Self-Driving Cars Makes No Sense to Me

I use the "autopilot" feature on my Tesla every day, and, as I do, I ask myself, "Could this car drive itself?" I don't think so. I predict that over time, the automotive industry will abandon talk of totally self-driving cars and use what they've learned to make driving safer — with drivers always behind the wheel.

Every day I encounter situations that no software, however much improved, could handle. For example:

- ◆ Avoiding a cat or other small animal that darts across the street.
- ◆ Recognizing rough pavement and choosing the best path through or around it.
- ◆ Executing an alternate merge when two lanes reduce to a single lane by effectively anticipating other drivers' actions.
- ◆ Making the right decision — ditch vs. median — when a wrong-way driver suddenly comes toward you.
- ◆ Moving left or slowing down, as required by law, when approaching a stopped emergency vehicle.
- ◆ Avoiding debris or potholes, especially debris that has just fallen off a vehicle you are following.

These are only a few of countless unforeseeable situations that we as drivers encounter every time we get behind the wheel.

Proponents point out that 90% or more of accidents are the result of human error and say that computers could do better. Computers aren't distracted like we are — no phones, no snacking, no radio adjustments, no texting, no looking at passersby or scenery. But the answer is not to **replace** us as drivers but to keep improving the **assistance** we are already getting, such as adaptive cruise control and emergency braking, but we should never take our hands off the wheel.

Not to be overlooked is whether or not passengers will feel safe and secure in a driverless automobile. Planes fly themselves, but pilots stay at the controls.

Your Can Get This Column by Email

Lots of people no longer read newspapers. If that describes you or someone you know, join the 750 other readers who get this column by email. Send your request to Jim@GoldenRealEstate.com.

Check Your Sprinkler Zones After Your Lawn Is Aerated

I'm glad I did! I was careful to put little flags in the lawn to mark the location of each sprinkler head, but, as luck would have it, one of my lines was punctured by the aeration machine, something I wouldn't have discovered if I hadn't run each zone for a couple minutes and watched for water bubbling up through the grass where it shouldn't. I recommend that you do the same. If you find a leak, I have a sprinkler guy who can repair it, so call me.

Just Listed: Remarkable Lakewood Home on 1/2 Acre

You won't find a better brick ranch, inside or out, than this 3-bed/2-bath home at **7470 Pike View Court**, just east of Wadsworth Boulevard, between 24th and 26th Avenues. Inside you'll appreciate the gleaming hardwood floors and beautiful porcelain tile floors, the included appliances (especially the super high-end Samsung washer & dryer with steam cycles and pedestals), the amazing sunroom, the five-zone mini-split heating and cooling system, and the Anderson windows. Outside, the landscaping will draw equal or greater admiration, including the 3-tier water feature, flagstone patio and multiple other gathering areas. Best of all, the \$14,000 worth of high-end chairs, tables, umbrellas and more is included in the purchase price of this home! Watch the narrated video tour to appreciate it all! Thanks to the May hail storm, the roof and extra-wide gutters are brand new, too. The half-acre lot is irrigated by ditch water costing only \$70 per year. You really don't want to miss this fine home! **Open House: Saturday, Sept. 23rd, 11 a.m. to 1 p.m.**



Video Tour at www.LakewoodHome.info



Jim Smith
Broker/Owner
Golden Real Estate, Inc.



CALL OR TEXT: **303-525-1851**
OFFICE PHONE: **303-302-3636**
EMAIL: Jim@GoldenRealEstate.com
WEBSITE: www.GoldenRealEstate.com
ARCHIVES: www.JimSmithColumns.com
17695 South Golden Road, Golden 80401